HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 378 / 2006 S/S
Mohan Singh
& Others
Vs
State of Uttaranchal
& Others

Approved for reporting.

_____

Not approved for reporting

Date of decision 21.3.2006

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 378 (SS) OF 2006

Mohan Singh,
S/o Pan Singh Nayal,
Presently posted as Patwari, Tehsil Kanda,
District Bageshwar. .....Petitioner.

Versus

1. State of Uttaranchal, through Principal Secretary (Revenue).
2. Chief Revenue Commissioner, Uttaranchal, Dehradun.
3. Commissioner, Kumaon Mandal, Nainital.
4. District Magistrate, Bageshwar.
5. Sri Badri Singh Rautela,
6. Sri Deewan Singh Bisht,
7. Sri Shiv Dutt Joshi, (respondents no. 5, 6 and 7 presently undergoing training of Supervisor Kanoongo).
8. District magistrate, Pithoragarh. .....Respondents.

Sri U.S. Kalakoti, Advocate for the petitioner.
Learned Standing Counsel for the respondents.

Dated: 21.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of Mandamus commanding the respondents no. 1, 2, 3 and 4 to correct the seniority list and consider the petitioner for selection of Supervisor Kanoongo training.

Briefly stated, in the year, 1977, the petitioner successfully completed the training of Patwari and was placed at Serial No. 21 in the merit list and his rank was 7th in the District.

On 04.02.2006, the Chief Revenue Commissioner, Uttaranchal, Dehradun vide its letter No. 1673/7/(Su.Ka. Pra. 0/2006 dated 04.02.2006 directed the Commissioner of Kumaon and Garhwal region to select the Patwaries of Hill Cadre for 'Supervisor Kanoongo' training on the basis of merit and a list of the Patwaries to be selected fro Supervisor Kanoongo training was also enclosed. The list of patwaries related to petitioner for district Almora is quoted below:-

''1.	श्री दामोदर पान्डे	श्री मथुरा दत्त पान्डे	469	1	4
2.	श्री नन्दन सिंह	श्री बहादुर सिंह	457, 1/2	2	6
3.	गोविन्द सिंह	श्री दीवा सिंह	453, 1/2	3	10
4.	भुवन चन्द्र कान्डपाल	पुत्र लीला धर	448, 1/2	4	13
5.	श्री गोरी दत्त	देवी दत्त	447, 1/2	5	14
6.	श्री प्रताप सिंह	श्री विशन सिंह	436, 1/2	6	10
7.	श्री मोहन सिंह	श्री पान सिंह नयाल	436,	7	21
8.	श्री त्रिलोचन सिंह	श्री खीयानन्द	436	8	22
9.	श्री गोकुलानन्द	श्री हीरा वल्लभ	435	9	23
10.	श्री लोला जी	श्री दुर्गादत्त भट्ट जोशी	425	10	25
12.	श्री भागीरथ	श्री गंगादत्त जोशी	425	11	34
13.	श्री गणेश दत्त	श्री बद्री दत्त	423	12	36
14.	श्री भूपाल सिंह	श्री हीरा सिंह बिष्ट	422	13	41
15.	श्री कृष्ण गोपाल	श्री लीलाधर पंत	421, 1/2	14	42
16.	दौलत राम	श्री नैन सिंह	416, 1/2	15	51
16.	श्री शेर सिंह	श्री महेन्द्र सिंह	416,	16	53
17.	श्री भूपेन्द्र सिंह	श्री नर सिंह	414, 1/2	17	55
18.	श्री खुशाल सिंह	श्री जवाहर सिंह	413, 1/2	18	58
19.	श्री दान सिंह	श्री देब सिंस अधि0	412, 1/2	19	60
20.	श्री दीवान सिंह	श्री भुवन सिंह	411, 1/2	20	61
21.	श्री हरीश चन्द्र	श्री दिवान राम अधि0	411, 1/2	21	62
22.	श्री भुवन चन्द्र कर्नाटक	श्री बिशन दत्त	411	22	63
23.	श्री राजेन्द्र सिंह	श्री जेत सिंह	407	23	69
24.	श्री राम सिंह	श्री रतन सिंह नेगी	406	24	70
25.	श्री जीवन चन्द्र	श्री राम दत्त	406	25	71
26.	श्री पृथ्वी सिंह	श्री उदे राम	405, 1/2	26	72
27.	श्री नरन्द सिंह	श्री उमराव सिंह	402	27	74
28.	श्री बहादुर सिंह	श्री सोबन सिंह लटवाल	404, 1/2	28	75
29.	श्री बच्ची सिंह	श्री मोहन सिंह	399	29	76
30.	श्री नारायण सिंह	श्री दान सिंह जीना	393, 1/2	30	79
31.	श्री जगदीश चन्द्र	श्री गुसाई दत्त	387,	31	82
32.	बहादुर सिंह	शोबन सिंह	384, 1/2	32	83

Three more patwaries were sent for training. At present 18 patwaries have been sent for training of Supervisor Kanoongo in the Kumaon Region.

The grievance of the petitioner is that the patwaries are selected for training of Supervisor Kanoongo on the basis of seniority, but in the instant case, the patwaries, who were junior to him have been selected for the training. Sri Badri Singh Rautela, Sri Deewan Singh Bisht, Sri Shiv Dutt Joshi (respondents no. 5, 6 and 7) are junior to the petitioner and are placed at Serial No. 26, 73 and 84 respectively whereas the petitioner is placed at Serial No. 21 in the merit list.

The petitioner has submitted that the date of joining of respondent nos. 5, 6 and 7 has been recorded as 13.01.1978 and only on that basis, they were selected for the training through the result or patwari training for the year, 1977 had been declared on 30.01.1978, which is also evident from the certificate given to the petitioner for patwari training on 30.01.1978.

It appears that taking into consideration the wrong joining date i.e. 13.01.1978, respondents no. 5, 6 and 7 have been sent on training of Supervisor Kanoongo due to which the seniority of petitioner has been affected.

Being aggrieved by the aforesaid action of the authorities concerned, the petitioner sent various representations. One of them has been filed on 10.02.2006.

The petitioner has submitted that at present 22 posts of Supervisor Kanoongo are vacant and only 18 Patwaries are undergoing for the same.

In my view, by not sending he petitioner for training, as he is senior to the respondents, the respondents have violated Article 14 of the Constitution of India, therefore, the respondents concerned are directed to correct the seniority list

and decide the representation of the petitioner dated 10.02.2006 within a period of two weeks from the date of presentation of the certified copy of the order sending the petitioner for training of Supervisor Kanoongo as the petitioner who has been placed at Serial No. 21 is also entitled for promotion.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

21.03.2006
Rathour